

Date: 4-16-07_____

Kansas Department of Health and Environment
Economic Impact Statement

Pursuant to the requirements of KSA 77-416, Kansas Department of Health and Environment submits the following economic impact statement.

1. **Regulation(s):**
(List each regulation number.)
KAR 28-24a-1 (Tanning Facilities)
KAR 28-24a-2
KAR 28-24a-3
KAR 69-12-6 and 69-12-13 (revoked)
KAR 28-24-1 – 15 (amended) 28-24-16 (revoked)(Practice of Cosmetology,
Nail Technology, Electrology, or Esthetics)
2. **Brief description of each regulation(s) and what is intended to be accomplished by adoption.**

During the 2002 legislative session, the Kansas legislature amended K.S.A. 65-1,148 to transfer Board of Cosmetology sanitation rules and regulations that established sanitation standards for cosmetology, tanning facilities and body art facilities to the secretary of the Department of Health and Environment. It established that all existing Board regulations regarding sanitation standards, "shall be deemed to be rules and regulations of the secretary of health and environment under K.S.A. 65-1,148, and amendments thereto, until revised, amended, revoked or nullified by the secretary of health and environment, or otherwise, pursuant to law."

The summary of the revised, amended and revoked regulations represent the changes in the cosmetology regulations and the new tanning facility regulations.

KAR 28-24a-1, KAR 28-24a-2, and KAR 28-24a-3 are proposed new regulations to update sanitary regulations for tanning facilities in accordance with state of the art procedures at the time of passage. KAR 69-12-6 and 69-12-13 are being revoked, which were the cosmetology sanitary regulations for tanning facilities and are now being replaced with KDHE new regulations.

KAR 28-24-1 addresses changes in definitions to ensure compatibility with statute changes, federal guidance documents on universal precautions for preventing the transmission of infectious and contagious diseases and changes in terminology to accurately reflect current language that used.

KAR 28-24-2 and 28-24-3 improves language addressing sanitary conditions and specifies universal precautions necessary to protect consumers and licensees against the potential transmission of disease.

KAR 28-24-4 makes the language addressing towels, robes and linens more specific regarding sanitation

KAR 28-24-5 utilizes more specific language to address the sanitation of headrests, shampoo bowls, treatment tables and sinks.

KAR 28-24-6 utilizes more specific language to address the sanitation and marking of bottles and containers.

KAR 28-24-7 utilizes more inclusive language to ensure the appropriate use of products and includes products that might be used but are banned or restricted by the Food and Drug Administration for use.

KAR 28-24-8 utilizes more specific language to address specific sanitation issues associated with instruments and supplies. It moves instruments and supplies as the primary subject covered from KAR 28-24-9.

KAR 28-24-9 now addresses pedicure equipment and defines this subject. The regulation also specifies sanitary processes to address known issues that have arisen associated with the practice.

KAR 28-24-10 makes more specific the processes to ensure sanitary conditions that should be used in association with the disinfection of nonelectrical instruments and equipment.

KAR 28-24-11 makes more specific the processes to ensure sanitary conditions that should be used in association with the disinfection of electrical instruments.

KAR 28-24-12 addresses changes in product provision by manufacturers for electrolysis and eliminates multi-use products and specifies single-use non-electrical products only. The specified and defined use in the regulation will ensure sanitary conditions for consumers and ensure safety from potential blood exposures.

KAR 28-24-13 improves by making more specific, language for physical facilities. The regulation also specifies that new establishment licenses after a point in time be required to have a separate outside entrance to the location where services are provided to customers. This relates primarily to establishments that might be located in structures also containing living quarters for individuals. The regulation also addresses issues surrounding mobile establishments to ensure that these are physically capable of providing sanitary conditions for consumers.

KAR 28-24-14 addresses prohibitions by more specifically defining these while addressing issues raised by licensees and consumers relative to animals, items that can be consumed as food and potentially invasive procedures.

KAR 28-24-15 specifies the posting of regulations to ensure visibility for potential review by customers and licensees.

KAR 28-24-16 revokes this regulation as no longer necessary or subsumed into another regulation.

3. **Is this regulation(s) mandated by federal law as a requirement for participating in or implementing a federally subsidized or assisted program?**

Yes _____

No X _____

If yes, please explain.

4. **Do the proposed regulations exceed the requirements of applicable federal law?**

Yes _____

No X _____

If yes, please explain.

5. **Description of Costs:**

- a. **Cost to the agency:**

The cost to KDHE will be minimal and will be comprised mostly of staff time to review and revise regulations as indicated and to provide technical assistance to the Kansas Board of Cosmetology regarding the implementation of the regulations as they relate to maintaining the sanitary conditions of affected establishments and licensed individuals.

- b. **Cost to persons who will bear the costs and those who will be affected, (i.e., private citizens and consumers of the products or services) and are subject to the proposed rules and regulations or the enforcement:**

Costs to consumers would not be direct but could be indirect in that licensees and establishment owners may incur minimal costs to comply with changes in sanitary regulations. These costs may be passed along to consumers. However, with several revisions of the regulations, costs related to sanitizing and disinfecting equipment may be reduced due to the inclusion of the use of bleach. After December 31, 2007, new establishment licensees will be required to have separate entrances to the areas of structures where services are provided.

c. Costs to other governmental agencies or units:

With the implementation of the revised health and sanitation regulations, the Kansas Board of Cosmetology will incur costs to inform affected licensees. Information will be disseminated through the website, the annual newsletter, courtesy renewal notices and through the Board's inspection program. Costs will be minimal and will be maintained within current budget expenditures.

6. Description of any less costly or less intrusive methods that were considered by the agency for the purpose of the rules and regulations and why such methods were rejected in favor of the proposed rules and regulations.

The agency was directed by the legislature to address the regulations in question and has done so to ensure the safety of consumers and licensees.

7. Verification of economic impact statement with League of Kansas Municipalities, Kansas Association of Counties and the Kansas Association of School Boards.

The above mentioned regulations were determined as appropriate for consultation as to the economic impact with the League of Kansas Municipalities, Kansas Association of Counties and the Kansas Association of School Boards, pursuant to KSA 77-416.

Yes _____

No X

If yes:

Date Contacted and by what means (i.e., letter, FAX, etc.):

Response and comments received by:

League of Kansas Municipalities:

Kansas Association of Counties:

Kansas Association of School Boards: